

### **REMARKS**

Claims 1-14 are pending in the subject application.

Applicants have amended claims 1, 2, 13, and 14. The changes to the claims made herein do not introduce any new matter.

#### **Objection to the Abstract**

In response to the objection to the Abstract of the Disclosure, Applicants have provided a new Abstract that is limited to a single paragraph. Accordingly, Applicants request that the objection to the Abstract be withdrawn.

#### **Claim Objections**

In response to the claim objections, Applicants have amended claim 2 to add a period at the end of the sentence and have amended claim 14 along the lines suggested by the Examiner. Accordingly, Applicants request that the objections to claims 2 and 14 be withdrawn.

#### **Rejection Under 35 U.S.C. § 102**

Applicants respectfully request reconsideration of the rejection of claims 1-9, 13, and 14 under 35 U.S.C. § 102(b) as being anticipated by *Burt et al.* (“*Burt*”) (U.S. Patent No. 5,999,662). As explained in more detail below, the *Burt* reference does not disclose each and every feature specified in independent claims 1, 13, and 14, as amended herein.

Applicants have amended independent claim 1 to specify that the image synthesizer is allowed to selectively change the number of the first image data used in synthesis when synthesizing the corrected multiple first image data to generate the second image data. Independent claims 13 and 14 have been amended along the same lines that claim 1 has been amended.

In support of one aspect of the anticipation rejection, the Examiner cites column 10, lines 57-65 of the *Burt* reference (see the Office Action at page 5, second paragraph). With

regard to selecting the mosaic and/or the input image to fulfill the mosaic content criteria, the *Burt* reference discloses a number of selection functions including cropping, masking, eliminating “old” images from the mosaic, image weighting, and the like (see column 10, lines 57-62). These selection functions may be user selectable (see column 10, lines 62-65).

On the other hand, in the claimed configuration as specified in claim 1, an image synthesizer is allowed to selectively change the number of first image data used in the synthesis when the synthesizing the corrected multiple first image data to generate the second image data. The *Burt* reference provides no disclosure (or suggestion) of “selectively” changing the number of image data to be used in the synthesis. As such, for at least this reason, the *Burt* reference does not disclose each and every feature of claim 1, as amended herein.

The arguments set forth above also apply to independent claims 13 and 14, as amended herein.

Accordingly, for at least the foregoing reasons, claims 1, 13, and 14, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Burt*. Claims 2-9, each of which ultimately depends from claim 1, are likewise patentable under 35 U.S.C. § 102(b) over *Burt* for at least the same reasons set forth above regarding claim 1.

#### Rejections Under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejection of claim 10 under 35 U.S.C. § 103(a) as being unpatentable over *Burt* in view of *Amini et al.* (“*Amini*”) (U.S. Patent No. US 6,698,021 B1). Claim 10 depends from independent claim 1. The deficiencies of the *Burt* reference relative to the subject matter defined in claim 1, as amended herein, are discussed above in connection with the anticipation rejection. The *Amini* reference does not cure the above-discussed deficiencies of the *Burt* reference relative to the subject matter defined in claim 1. Accordingly, claim 10 is patentable under 35 U.S.C.

§ 103(a) over *Burt* in view of *Amini* for at least the reason that this claim depends from claim 1.

Applicants respectfully request reconsideration of the rejection of claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Burt* in view of *Prabhu et al.* (“*Prabhu*”) (U.S. Patent No. US 7,032,182 B2). Each of claims 11 and 12 ultimately depends from independent claim 1. The deficiencies of the *Burt* reference relative to the subject matter defined in claim 1, as amended herein, are discussed above in connection with the anticipation rejection. The *Prabhu* reference does not cure the above-discussed deficiencies of the *Burt* reference relative to the subject matter defined in claim 1. Accordingly, claims 11 and 12 are patentable under 35 U.S.C. § 103(a) over *Burt* in view of *Amini* for at least the reason that these claims ultimately depend from claim 1.

#### Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-14, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP075).

Respectfully submitted,  
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